

JPW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application No. 10/075,994

Applicant: KASID et al.

Filed: February 15, 2002

TC/AU: 1635

Examiner: ZARA, Jane J.

Docket No.: 219604

Customer No.: 23460

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Pursuant to 37 C.F.R. §§ 1.97 and 1.98, the references listed on the enclosed Form PTO-1449 and/or Substitute Form PTO-1449 ("Form 1449") are submitted for consideration by the Examiner in the examination of the above-identified patent application.

The full consideration of the references in their entirety by the Examiner is respectfully requested and encouraged. Also, it is respectfully requested that the references be entered into the record of the present application and that the Examiner place his or her initials in the appropriate area on the enclosed Form 1449, thereby indicating the Examiner's consideration of each of the references.

The submission of the references listed on the Form 1449 is for the purpose of providing a complete record and is not a concession that any reference listed thereon is prior art to the invention claimed in the patent application. The right is expressly reserved to establish an invention date earlier than the above-identified filing date in order to remove any reference submitted herewith as prior art should it be deemed appropriate to do so.

Further, the submission of the references is not to be taken as a concession that they represent art that is relevant or analogous to the claimed invention. Accordingly, the right to argue that the references are not properly within the scope of prior art relevant to an examination of the claims in the above-identified application is also expressly reserved.

12/15/2005 HVUONG1 00000098 121216 10075994

01 FC:1806 180.00 DA

L.S.

- ☐ A copy of the foreign search report is enclosed herewith.
- ☐ The references listed on the enclosed Form 1449 were previously identified in the parent application(s) of the present application, and copies of the references were furnished at that time. Accordingly, additional copies of the references are not submitted herewith, so as not to burden the file with duplicate copies of references. The Examiner is respectfully requested to carefully review the references in accordance with the requirements set out in the Manual of Patent Examining Procedure. In accordance with 37 CFR 1.98(d), the details of the parent application(s) relied upon for an earlier filing date under 35 USC 120 in which copies of the references were previously furnished are set out below:

U.S. APPLICATIONS		STATUS (CHECK ONE)		
U.S. APPLICATIONS	U.S. FILING DATE	PATENTED	PENDING	ABANDONED
1.				
2.				
3.				

Statement under § 1.97(e)

- ☐ The **undersigned** hereby states that each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign patent application not more than three months prior to the filing of the Information Disclosure Statement.
- ☐ The **undersigned** hereby states that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign patent application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

Statement under § 1.704(d)

- ☐ The **undersigned** hereby states that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.

Fees

- ☐ No fee is owed by the applicant(s).
- ☒ The **IDS Fee of \$180** under § 1.17(p) is enclosed herewith.

The Information Disclosure Statement is being filed:

- ☒ **within** any one of the following time periods: (a) within three months of the filing date of a national application other than a continued prosecution application under 37 CFR 1.53(d); (b) within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 of an international application; (c) before the mailing date of a first Office Action on the merits; or (d) before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.
- ☒ **after** (a), (b), (c) or (d) above, but before the mailing date of a final action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an action that otherwise closes prosecution in the application, and includes *one* of:
- ☐ the Statement under 37 CFR 1.97(e) (see "Statement under 37 CFR 1.97(e)" below).
- or
- ☒ the fee of \$180 set forth in 37 CFR 1.17(p) (see "Fees" below).
- ☐ **after** the mailing date of a final action under 37 CFR 1.113 or a Notice of Allowance under 37 CFR 1.311, or an action that otherwise closes prosecution in the application, and on or before payment of the issue fee, and includes the Statement under 37 CFR 1.97(e) (see "Statement under 37 CFR 1.97(e)" below), and the fee of \$180 as set forth in 37 CFR 1.17(p) (see "Fees" below).
- ☐ **after** the mailing date of a Notice of Allowance under 37 CFR 1.311, and on or before payment of the issue fee, and **within** thirty days of receiving each item of information contained in the Information Disclosure Statement, and includes the Statement under 37 CFR 1.704(d) (see "Statement under 37 CFR 1.704(d)" below), and the fee of \$180 as set forth in 37 CFR 1.17(p) (see "Fees" below).

NOTE: This is for original applications except applications for a design patent, filed on or after May 29, 2000, wherein a paper containing only an Information Disclosure Statement in compliance with 37 CFR 1.97 and 1.98 is being filed.

Copies of the References

- ☐ Copies of all of the references listed on the enclosed Form 1449 are enclosed herewith.
- ☒ Copies of U.S. patents and patent applications that are listed on the accompanying Form 1449 are not enclosed herewith. Copies of other references identified on the accompanying Form 1449 are enclosed herewith.
- ☐ Attached to each reference not in the English language is a concise explanation of the relevance pursuant to 37 CFR 1.98(a)(3). An English-language equivalent/patent, or an English-language abstract, or an English-language version of the search report or action by a foreign patent office in a counterpart foreign application indicating the degree of relevance found by the foreign office is being submitted in lieu of a concise explanation of the relevance pursuant to 37 CFR 1.98(a)(3).

Method of Payment of Fees

- ☐ Attached is a check in the amount of \$180.00.
☒ Charge Deposit Account No. 12-1216 in the amount of \$180.00. (A duplicate copy of this communication is enclosed for that purpose.)

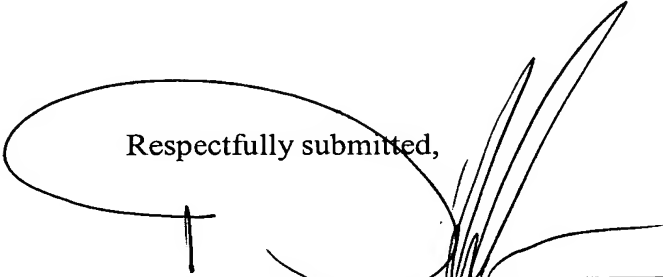
Authorization to Charge Additional Fees

- ☒ If any additional fees are owed in connection with this communication, please charge Deposit Account No. 12-1216. (A duplicate copy of this communication is enclosed for that purpose.)

Instructions as to Overpayment

- ☒ Credit Account No. 12-1216.
☐ Refund.

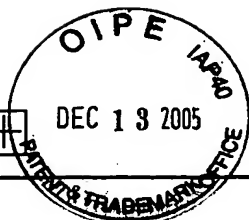
Respectfully submitted,



M. Daniel Hefner, Registration No. 41,826
LEYDIG, VOIT & MAYER, LTD.
Two Prudential Plaza, Suite 4900
180 North Stetson
Chicago, Illinois 60601-6780
(312) 616-5600 (telephone)
(312) 616-5700 (facsimile)

Date: December 13, 2005

Please type a plus sign (+) inside this box → ☐



PTO/SB/08A/B (08-03)
Approved for use through 07/31/2006. OMB 0851-0031
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Substitute for form 1449A/B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
				Application Number	10/075,994
				Filing Date	February 15, 2002
				First Named Inventor	KASID, Usha
				Group Art Unit	1635
				Examiner Name	ZARA, Jane J.
				Attorney Docket Number	219604
Sheet	1	of	3		

U.S. PATENT DOCUMENTS						
Examiner Initials ¹	Cite No.	U.S. Patent Document		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Filing Date, if appropriate MM-DD-YYYY
		Document Number	Kind Code			
	CV	US- 5,003,097		03-26-1991	Beaucage et al.	
	CW	US- 5,264,423		11-23-1993	Cohen et al.	
	CX	US- 5,276,019		01-04-1994	Cohen et al.	
	CY	US- 5,286,717		02-15-1994	Cohen et al.	
	CZ	US- 6,126,965		10-03-2000	Kasid et al.	
	DA	US- 6,146,659		11-14-2000	Rahman	
	DB	US- 6,333,314		12-25-2001	Kasid et al.	
	DC	US- 6,461,637		10-08-2002	Rahman	
	DD	US- 6,559,129		05-06-2003	Kasid et al.	
	DE	US- 2003/0215489	A1	11-20-2003	Kasid et al.	
	DF	US- 2003/0215492	A1	11-20-2003	Ahmad et al.	
	DG	US- 2003/0219476	A1	11-27-2003	Ahmad et al.	
	DH	US- 2003/0225023	A1	12-04-2003	Kasid et al.	
	DI	US- 2003/0228317	A1	12-11-2003	Gokhale et al.	
	DJ	US- 2003/0229040	A1	12-11-2003	Kasid et al.	
	DK	US- 2004/0005603	A1	01-08-2004	Kasid et al.	
	DL	US- 2004/0082771	A1	04-29-2004	Kasid et al.	
	DM	US- 2004/0106571	A1	06-03-2004	Kasid et al.	
	DN	US- 2004/0115714	A1	06-17-2004	Kasid et al.	
	DO	US- 2004/0248218	A1	12-09-2004	Kasid et al.	
	DP	US- 2005/0002918	A1	01-06-2005	Strauss et al.	
	DQ	US- 2005/0019387	A1	01-27-2005	Rahman et al.	
	DR	US- 2005/0148528	A1	07-07-2005	Gately	
	DS	US- 2005/0153297	A1	07-14-2005	Ahmad et al.	
	DT	US- 2005/0181037	A1	08-18-2005	Ahmad et al.	
	DU	US- 2005/0202074	A1	09-15-2005	Rahman	
	DV	US- 2005/0238706	A1	10-27-2005	Ahmad et al.	
	DW	US- 2005/0249795	A1	11-10-2005	Zhang et al.	

* A concise statement of relevance is being submitted in lieu of a translation. 37 CFR 1.98(a)(3).

+ An English-language equivalent/patent, or an English-language abstract, or an English-language version of the search report or action by a foreign patent office in a counterpart foreign application indicating the degree of relevance found by the foreign office is being submitted in lieu of a concise explanation of relevance under 37 CFR 1.98(a)(3).

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

¹EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Please type a plus sign (+) inside this box → ☐



PTO/SB/08A/B (08-03)
Approved for use through 07/31/2006. OMB 0651-0031
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Substitute for form 1449A/B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
		Application Number	10/075,994		
		Filing Date	February 15, 2002		
		First Named Inventor	KASID, Usha		
		Group Art Unit	1635		
		Examiner Name	ZARA, Jane J.		
		Attorney Docket Number	219604		
Sheet	2	of	3		

U.S. PATENT DOCUMENTS						
Examiner Initials ¹	Cite No.	U.S. Patent Document		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Filing Date, if appropriate MM-DD-YYYY
		Document Number	Kind Code			
	DX	US- 09/354,109			Kasid et al.	07-15-1999
	DY	US- 09/930,283			Kasid et al.	08-16-2001
	DZ	US- 10/056,210			Kasid et al.	01-28-2002
	EA	US- 10/239,598			Rahman	10-25-2000
	EB	US- 60/041,192			Kasid et al.	03-21-1997
	EC	US- 60/241,069			Rahman et al.	10-16-2000
	ED	US- 60/247,306			Rahman et al.	11-09-2000
	EE	US- 60/264,062			Kumar et al.	01-26-2001
	EF	US- 60/281,779			Kasid et al.	04-06-2001
	EG	US- 60/281,780			Kasid et al.	04-06-2001
	EH	US- 60/281,785			Kasid	04-06-2001
	EI	US- 60/281,796			Kasid et al.	04-06-2001
	EJ	US- 60/294,285			Rahman et al.	05-29-2001
	EK	US- 60/314,959			Rahman et al.	08-24-2001
	EL	US- 60/332,477			Strauss et al.	11-09-2001

FOREIGN PATENT DOCUMENTS								
Examiner Initials ¹	Cite No.	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear	Check if Translation Provided**
		Office	Number	Kind Code				
	EM	WO	01/70220	A	09-27-2001	NeoPharm, Inc.		<input type="checkbox"/>
	EN	WO	02/32400	A	04-25-2002	NeoPharm, Inc.		<input type="checkbox"/>
	EO	WO	02/058622	A	08-01-2002	NeoPharm, Inc.		<input type="checkbox"/>
	EP	WO	02/059337	A	08-01-2002	Georgetown Univ. School of Medicine		<input type="checkbox"/>

OTHER - NON PATENT LITERATURE DOCUMENTS			
Examiner Initials ¹	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number (s), publisher, city and/or country where published.	Check if Translation Provided**
	EQ	Office Action mailed April 12, 2000, in U.S. Patent Application No. 09/482,084.	<input type="checkbox"/>
	ER	Office Action mailed January 2, 2001, in U.S. Patent Application No. 09/482,084.	<input type="checkbox"/>

* A concise statement of relevance is being submitted in lieu of a translation. 37 CFR 1.98(a)(3).

+ An English-language equivalent/patent, or an English-language abstract, or an English-language version of the search report or action by a foreign patent office in a counterpart foreign application indicating the degree of relevance found by the foreign office is being submitted in lieu of a concise explanation of relevance under 37 CFR 1.98(a)(3).

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

¹EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

